IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2866 OF 2007

Sri Ganesh Forwarders Pvt. Ltd. and ors. ..Applicants

Vs.

Sairus Gems Pvt. Ltd. and ors. ..Respondents

Mr. Ghanashyam Upadhyay for applicants.
Mr. Subhash Jha i/by M/s. Law Global for respondent no.1.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 30, 2007.

P.C.:

1. Heard Mr. Upadhyay the learned Counsel for the applicants. Leave to amend.

2. Rule.

3. Respondents waive service. By consent the Rule is made returnable forthwith.

4. This is an application filed under Section 482 of Cr.P.C. for quashing the pending criminal

complaint filed by the present respondent no.1.

5. The present applicant-accused no.1-company was entrusted the job of transporting/forwarding agent by the complainant and Case No.41/Misc./2007 was filed by the complainant for the offence punishable under Section 409 read with Section 120-B of IPC before the learned Additional Chief Metropolitan Magistrate, 47th Court at Esplanade, Mumbai.

6. During the pendency of the complaint the parties arrived at the settlement and the present applicants presented an application to withdraw the complaint. However, by the order dated 7/7/2007 the application was rejected.

7. The parties are present before the court i.e. Mr. M.V. Vijay (applicant no.2), Director of applicant no.1-company and Mr.Satyanarayanan K.P., Manager (Export) of respondent no.1-company and they have stated that the consent terms which are placed before the trial court and which have ben annexed to the application memo at Exh."C from page 52 to 54 were duly signed on behalf of the complainant by its

Manager under whose signature the complaint was instituted in his capacity as an authorised signatory and on other hand by the three Directors of the accused-company. The learned counsel for both the parties state that the said settlement has been entered and the parties have acted upon it and settled the dispute which was a subject matter of the pending Criminal Case No.41/Misc./2007. The learned counsel for the complainant, on instructions, states that the complainant-company has no objection if the petition is allowed in terms of prayer clause (b) as amended.

8. Hence, the application succeeds and the same is hereby allowed by making Rule absolute in terms of prayer clause (b).

(B.H. Marlapalle,J.)